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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

10/30/2008

John S. Pratt, Esq.
KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309

EXAMINER

OBEID, MAMON A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/30/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,468	10/29/2001	Patrick A. Aliffi	E0019/258247	2136

TITLE OF INVENTION: SYSTEM AND METHOD FOR FACILITATING RECIPROCATIVE SMALL BUSINESS FINANCIAL INFORMATION EXCHANGES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

10/30/2008

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 KILPATRICK STOCKTON LLP
 Suite 2800
 1100 Peachtree Street
 Atlanta, GA 30309

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Patrick A. Aliff

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
OBEID, MAMON A	3621	705-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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John S. Pratt, Esq.
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Suite 2800
1100 Peachtree Street
Atlanta, GA 30309

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 795 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 795 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/021,468

Applicant(s)

ALIFFI ET AL.

Examiner

MAMON OBEID

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/15/2008.
2. ☒ The allowed claim(s) is/are 1-31, 103-107.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

Continued Examination Under 37 C.F.R. §1.114

1. A request for continued examination ("RCE") under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R. §1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. §1.114. Applicant's submission filed on August 15, 2008 has been entered.

Acknowledgements

2. This communication is in response to the RCE noted above and further in response to the telephone and e-mail communications with Applicants representative, Jason Gardner, made on October 23, 2008 ("October Communication").
3. Claims 1- 31, 103-107 are pending.
4. Claims 53-102 are canceled in an Examiner's amendment below.
5. Claims 1, 6, 27 and 29 have been amended by the Examiner as shown below.
6. Claims 1- 31, 103-107 have been examined.

Examiner's Amendment

4. An Examiner's amendment to the record appears below. Should the changes and/or additions by unacceptable to applicant, an amendment may be filed as provided

by 37 C.F.R. §1.312. To ensure consideration of such amendment, it must be submitted no later than the payment of the issue fee.

5. Authorization for this Examiner's amendment was given in the October communication noted above.

6. The application has been amended as follows:

Cancel claims 53-102. Amend the following claims as shown:

1. A computer-implemented method for providing information exchanges between at least two members, said at least two members contributing member input information to an exchange repository, comprising:

receiving an input data file from a contributing member, wherein the input data file is received via [[a]] an electronic communications link, said input data file comprising input content, said input content comprising a plurality of contributed data elements contributed by the contributing member, the plurality of contributed data elements comprising information related to a small business entity and at least one individual associated with the small business entity;

storing ~~content related to~~ the input content in the exchange repository, the exchange repository comprising stored data elements previously received by the exchange repository;

associating the input data file with a business entity identifier, said business entity identifier associating information relating to the small business entity and the at least one individual associated with the small business entity;

creating a member profile for the contributing member, said member profile comprising a statistics file, ~~which includes at least~~ the statistics file comprising:

statistics ~~regarding~~ based on a content type and number of the plurality of contributed data elements; and

statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member;

determining a score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold; and

determining the contributing member's access to the exchange repository to receive a content type and number of the stored data elements in the exchange repository based, at least in part, on the score; and

providing at least one of the stored data elements to the contributing member based on the determined contributing member's access.

6. The computer-implemented method of Claim 1, wherein determining the score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold comprises comparing the statistical file statistics based on the content type and number of the plurality of data elements to the member profile to determine consistency of the type and number of contributed data elements.

27. A computer-implemented method for providing information exchanges between at least two members, said at least two members contributing member input information to an exchange repository, comprising:

receiving an input data file from a contributing member, wherein the input data file is received via [[a]] an electronic communications link, said input data file comprising input content, said input content comprising a plurality of contributed data elements contributed by the contributing member, the plurality of contributed data elements comprising information related to a small business entity and at least one individual associated with the small business entity;

storing ~~content-related to~~ the input content in the exchange repository, the exchange repository comprising stored data elements previously received by the exchange repository;

associating the input data file with a business entity identifier, said business entity identifier associating information relating to the small business entity and the at least one individual associated with the business entity;

generating a statistical file based on the input content, said statistical file ~~including-at-least~~ comprising:

statistics ~~regarding~~ based on a content type and number of the plurality of contributed data elements; and

statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member;

determining a score for the statistics by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold; and

determining the contributing member's access to the exchange repository to receive a content type and number of the stored data elements in the exchange repository based, at least in part, on the score; and

providing at least one of the stored data elements to the contributing member based on the determined contributing member's access.

29. The computer-implemented method of Claim 27, wherein determining the score for the statistics by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to the threshold comprises comparing the ~~statistical file~~ statistics based on the content type and number of the plurality of data elements to a member profile to determine consistency of the type and number of contributed data elements.

Allowable Subject Matter

7. Claims 1- 31, 103-107 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter.
9. The closest prior art of record are:
 - a. Messina (U.S. Patent No. 7,162,508 B2 B2) which is a continuation of application No. PCT/US00/25886 published on March 29, 2001.
 - b. Ng (U.S. Patent No. 6,405, 175 B1).
 - c. Mizrahi et al (U.S. Patent No. 7, 092, 821 B2) ("Mizrahi")

10. None of the art of record, taken individually or combination disclose at least the steps/components of: determining a score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold; and determining the contributing member's access to the exchange repository to receive a content type and number of the stored data elements in the exchange repository based, at least in part, on the score and determining a score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold; and determining the contributing member's access to the exchange repository to receive a content type and number of the stored data elements in the exchange repository based, at least in part, on the score.

11. The Ng prior art: discloses a web site on the world-wide-web allows consumers to search a product/price database. The database contains product and price information for a wide variety of products from many different suppliers such as online and offline stores. Information in the database is collected and corrected by submitting consumers who are rewarded for product submissions. Ng further discloses Consumer-users are rewarded for entering and correcting product information. The value of these

rewards (the points given to them) is based on the importance and relevance of the information supplied. Some data may be given more points than others, such as one point for product name and price, but a quarter-point for shipping costs. Users are also rewarded over time as more users access the product information. Users have a strong incentive to submit accurate information, since they can lose future rewards to other users that find and correct errors in the information submitted. In addition, other users can correct obvious errors from rogue users who enter obviously false data. The database is built and maintained by users through an incentive awards program and rating system. However, Ng failed to disclose at least determining a score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold.

12. The Mizrahi Prior Art discloses in an exemplary embodiment of the invention, the exposure of information to a participant is controlled so that the exposure rate is smaller than the maximum that the participant can assimilate. Alternatively or additionally, the information in the event is made more effective and/or less effective information is not propagated. In an exemplary embodiment of the invention, however, new information is given a fair chance at being disseminated between participants. For example, new information is exposed to a minimum number of participants so that it can be given a meaningful rank, which rank is used as a basis for deciding if and how to disseminate the information. The minimum and maximum

exposures are typically traded off to achieve an event that is meaningful, has a desired feeling of interactivity, yet cognitively acceptable to the participants. In an exemplary embodiment of the invention, the feeling of interactivity is determined by applying one or more rules that relate exposure statistics to interactivity.

Alternatively or additionally, the feeling is determined by feedback from participants. However, Mizrahi failed to disclose at least determining a score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold.

13. Therefore, the combination Messina, Ng and/ or Mizrahi failed to specifically disclose determining a score for the statistics file by comparing the statistics based on the content type and number of the plurality of contributed data elements and the statistics based on inquiries previously received from the contributing member and responses previously provided to the contributing member to a threshold; and determining the contributing member's access to the exchange repository to receive a content type and number of the stored data elements in the exchange repository based, at least in part, on the score. Additionally, one of ordinary skill in the art would *not* be motivated to combine a system/method for building intelligent online communities (or. Online group interaction) as in Messina/ Mizrahi with a shopping scouts web site for rewarding customer referrals on product and price information with rewards scaled by the number of shoppers using the information as in Ng, to achieve the claimed subject

matter claimed in the instant application since this modification would have destroyed the intended purpose of the prior art. Therefore, the claims of the instant application are not obvious over Messina in view of Ng and further in view of Mizrahi for the reasons given above. Additionally, the combination Messina/ Mizrahi and Ng destroys the intent and purpose of use of Messina taken alone and/or in view of Mizrahi and Ng. Accordingly, the present claims are distinguishable over Messina in view of Ng and further in view of Mizrahi for this reason as well. Thus, the limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

14. Foreign prior art and NPL search was conducted however no relevant prior art was found.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on statement of reasons for allowance".

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid
Examiner
Art Unit: 3621
October 31, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621